

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF THE SUFFOLK

-----X
SILVIA TEIXEIRA, as Administratrix of the Estate of
SALVATORE NIOSI, Deceased

Index No.: 606482/2015E

NOTICE OF APPEAL

Plaintiffs,
-against-

WOODHAVEN CENTER OF CARE

Defendants,
-----X

C O U N S E L O R S :

PLEASE TAKE NOTICE, that the defendant, WOODHAVEN NURSING HOME
Incorrectly s/h/a WOODHAVEN CENTER OF CARE, hereby appeals to the Appellate Division,
Second Department, from the Judgment in the above-entitled action, dated July 24, 2019, and
entered in the office of the Clerk of said Court on the 9th day of August 2019.

This Appeal is being taken from each and every part of said Judgment as well as the
whole thereof.

Dated: New York, New York
August 21, 2019

To the best of my knowledge, information and belief, formed after an inquiry reasonable under
the circumstances, the presentation of this paper or the contentions herein are not frivolous, as
that term is defined in Part 130 of the Court Rules.

Yours, etc.,

KAUFMAN BORGEEEST & RYAN LLP

By: 

Eldar Mayouhas
Attorneys for Defendant
**WOODHAVEN NURSING HOME Incorrectly s/h/a
WOODHAVEN CENTER OF CARE,**
200 Summit Lake Drive
Valhalla, New York
(212) 980-9600

To: THE DUFFY LAW FIRM

Attorneys for Plaintiff
1370 RXR Plaza
West Tower, 13th floor
Uniondale, New York 11556
Tel. No.: (516) 394-4200

At a Trial Term Part 33, of the Supreme Court of the State of New York, held in and for the County of Suffolk, at the Courthouse, 1 Court St., Riverhead, New York, 11901 this 24 day of ~~June~~ July, 2019.

PRESENT: HONORABLE THOMAS F. WHELAN
J.S.C

SILVIA TEIXEIRA, as Administratrix of The Estate of SALVATORE NIOSI, Deceased,

Index No.: 606482/2015

Plaintiff(s),

- against -

PLAINTIFF'S PROPOSED JUDGMENT

WOODHAVEN CENTER OF CARE,

Defendants.

ENTERED: AUG 09 2019
AT: 11:28am

The issues in the above-entitled action having come on for trial before the Honorable Thomas F. Whelan and a Jury at Trial Part Term of the Supreme Court, County of Suffolk from April 11, 2019 to April 15, 2019, and Plaintiff, SILVIA TEIXEIRA, as Administratrix of The Estate of SALVATORE NIOSI, Deceased, having appeared by her attorneys THE DUFFY LAW FIRM, PLLC; and Defendant WOODHAVEN CENTER OF CARE having appeared by its attorneys, KAUFMAN BORGEEST & RYAN LLP; and after Defendant conceded liability, and a full trial on the issue of damages, and the jury having returned a verdict on April 15, 2019 in favor of plaintiff, SILVIA TEIXEIRA, as Administratrix of The Estate of SALVATORE NIOSI, Deceased, against defendant WOODHAVEN CENTER OF CARE, in the total amount of \$1,000,000.00 for conscious pain and suffering sustained by SALVATORE NIOSE on December

12, 2013 (a copy of the Verdict Sheet and Extract of Minutes is attached herein as Exhibit "1" and hereby incorporated);

AND, as a result of said verdict, Plaintiff is now entitled to a Judgment against Defendant WOODHAVEN CENTER OF CARE in the sum of ONE MILLION DOLLARS and 00/100 (\$1,000,000.00) for the verdict AND interest accruing at a rate of nine per cent per year on the total verdict AND costs AND disbursements.

A Bill of Costs is attached herein as Exhibit "2" and hereby incorporated.

NOW, upon the motion of THE DUFFY LAW FIRM PLLC, attorneys for plaintiff, it is
 1370 RFR Plaza, West Tower, 13th Fl, Uniondale, NY 11556
 ORDERED, ADJUDGED and DECREED, that plaintiff, SILVIA TEIXEIRA, as

Administratrix of The Estate of SALVATORE NIOSI, Deceased, residing at 11 Whitebirch Circle, Miller Place, NY 11764, have judgment and recover against Defendant WOODHAVEN CENTER OF CARE, 1360 Route 112, Port Jefferson Sta., NY 11766, the sum of \$ 1,000,000.00 (consisting of conscious pain and suffering sustained by SALVATORE NIOSI on December 12, 2013) immediately payable in a lump sum; \$327,857.42 for attorney's fees; \$16,329.37 for litigation expenses; with interest on the present value of the judgment (\$1,000,000.00) at the rate of 9.0% per annum from the date of verdict, April 15, 2019, in the amount of \$ 28,603.28 (beginning from 4/15/19 ~~_____ days x \$255.68 per day in interest~~) plus costs and disbursements as taxed by the clerk of the court in the amount of \$ 2,161.00, for a sum of \$ 1,374,951.07 and plaintiff, SILVIA TEIXEIRA, as Administratrix of The Estate of SALVATORE NIOSI, Deceased, shall have execution therefor.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that interest will continue to accrue at a rate of nine per cent per year until said judgment is paid in full.

Judgment entered this 9th day of August, 2019.

GRANTED
JUL 24 2019
JUDITH A. PASCALE
Clerk of Suffolk County

[Signature]
J.S.C.
Thomas F. White
Judith A. Pascale
Clerk

\$1,372,793.07
+ \$ 2,161.00 c/d

\$1,374,951.07
total

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